**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**ORDINARY ORIGINAL CIVIL JURISDICTION**

**COMPANY APPLICATION NO.1190 OF 2006**
**IN**
**COMPANY PETITION NO.719 OF 2001**

Nafisabai Alibhai Rajkotwala & Anr. ..Applicants
V/s.
The Official Liquidator ..Respondents
M/s.Cozy Foams Pvt. Ltd. (In Liqn.)

Mr.C.N.Mehta for the applicants
Ms.K.V.Gautam, Dy.O.L.

**CORAM : V.C.DAGA, J.**

**DATE : 1ST MARCH, 2007**

**P.C.**

. Heard.

. Perused application.

2. This application is taken out by one Nafisabai Rajkotwala & one another seeking directions to the respondent, official liquidator to unseal cabin located in premises No.12A of the applicants situate at Madraswala Building, 17/19, Sheperd Road and 85, Clare Road, Mumbai – 400 008 admeasuring about 100 sq.ft.(approx.) and handover the possession thereof to the applicants.

2. An affidavit in support of the judges summons is filed by the applicant stating therein that the premises in question and the properties kept therein have nothing to do with the Company in liquidation.

3. The learned counsel for the applicants has made submissions in support of the prayer in consonence with the affidavit filed on record. In reply to the prayer in judges summons the official liquidator has filed counter affidavit dated 19th January, 2002 of which para 9 leads as under :-

> "The Official Liquidator submits that prima facie it appears that the company (in liqn.) was not having any right, title and interest in the said premises. If this Hon'ble Court is inclined to grant the applicant's prayer then the applicant may be directed to purchase the furniture items lying in the premises at a reasonable price and the records lying there may be shifted to the office of Official Liquidator at the applicant's cost and expenses.

The learned counsel for the applicants submit that they have already offered to purchase furniture items lying in the said premises.

4. In the above view of the matter, judges summons is made absolute in terms of prayer clause (a) with the direction to the official liquidator to deliver a furniture items lying in the premises after receiving a consideration thereof Rs.7,500/-. The official liquidator shall also be entitled to shift the record lying in the premises to their own office at the costs & expenses of the applicants. Judges summons stands disposed of in terms of this order. No order as to costs.

**(V.C.DAGA, J.)**